

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.92 of 2023

Arising Out of PS. Case No.-283 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. Amit Kumar Giri S/O Naresh Giri Resident Of Village- Bir Chapra, P.S.- Pipra Kothi, District- East Champaran.
2. Sunil Kumar Giri S/O Naresh Giri Resident Of Village- Bir Chapra, P.S.- Pipra Kothi, District- East Champaran.
3. Anil Kumar Giri S/O Naresh Giri Resident Of Village- Bir Chapra, P.S.- Pipra Kothi, District- East Champaran.
4. Pappu Kumar Giri @ Krishan Kumar S/O Amit Kumar Giri Resident Of Village- Bir Chapra, P.S.- Pipra Kothi, District- East Champaran.
5. Naresh Giri S/O Late Adalt Giri Resident Of Village- Bir Chapra, P.S.- Pipra Kothi, District- East Champaran.
6. Prabhawati Devi W/O Naresh Giri Resident Of Village- Bir Chapra, P.S.- Pipra Kothi, District- East Champaran.
7. Rishi Kumar Giri S/O Amit Kumar Giri Resident Of Village- Bir Chapra, P.S.- Pipra Kothi, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Muni Devi W/O Kishun Paswan Resident Of Village- Bir Chapra, P.S.- Pipra Kothi, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Shankar Shrivastava
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2023 Heard learned counsel for the appellants, respondent
no. 2 and learned Spl. P.P. for the State.

2. This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 05.12.2022, passed by learned Special Judge,



SC/ST Act, East Champaran, Motihari in Pipra Kothi P.S. Case No. 283 of 2022 for the alleged offences registered under sections 147, 341, 323, 354(B), 379, 504, 506 of the Indian Penal Code and section 3(i) (r) (s) S.C./S.T. Act.

3. Appellants are said to have abused the informant by taking caste name and also assaulted her.

4. Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. There is an admitted land dispute between the parties which is clear from annexure-2 of the memo of appeal. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. Learned counsel for the appellants further submits that in view of the judgment of the Hon'ble Apex Court passed in the case of **Hitesh Verma Vs. State of Uttarakhand & Another** reported in **2020 (10) SCC 710**, if there is land dispute between the parties, the appeal for anticipatory bail is maintainable. The appellant nos. 1, 2, 3 and 4 have one criminal antecedent and appellant nos. 5, 6 and 7 have no criminal antecedent.

5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 opposing the prayer for bail submit that the



occurrence took place in the public place, therefore, anticipatory bail application is not maintainable.

6. Considering the facts and circumstances of the case and the fact that there is admitted land dispute between the parties, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, Motihari in Pipra Kothi P.S. Case No. 283 of 2022, subject to the condition as laid down under section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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